

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.) No. 13-4052-01/04 & 14 -CR-C-BCW
)
)
ALEXANDER V. MCMILLIN,)
PATRICK R. HAWKINS,)
MATTHEW A. HAWKINS,)
MOLLY JANE CARMICHAEL,)
WESLEY ADAM UPCHURCH,)
)
 Defendants.)

REPORT AND RECOMMENDATION

Defendants Alexander V. McMillin (doc. 348), Patrick R. Hawkins (doc. 350), Matthew A. Hawkins (doc. 349), Molly Jane Carmichael (doc. 351), and Wesley Adam Upchurch (doc. 352) have filed motions to dismiss various counts of the Second Superseding Indictment. Defendants restate the same arguments that they raised in their motions to dismiss various counts of the Superseding Indictment. Defendants' contentions have previously been considered and found to be without merit in a Report and Recommendation issued by the undersigned (doc. 276), which was subsequently adopted by District Court Judge Brian C. Wimes (doc. 297).

Accordingly,

IT IS THEREFORE RECOMMENDED that the motions of defendant Alexander V. McMillin (doc. 348), Patrick R. Hawkins (doc. 350), Matthew A. Hawkins (doc. 349), Molly Jane Carmichael (doc. 351), and Wesley Adam Upchurch (doc. 352) to dismiss various counts of the Second Superseding Indictment be DENIED.

Counsel are reminded that they have fourteen days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections. A failure to file and serve exceptions by this date shall bar an attack on appeal of the factual findings in the Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

Dated this 7th day of April, 2015, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH
United States Magistrate Judge